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FILED
BOARD OF PHYSICAL THERAPY
OCT 26 2007

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHYSICAL THERAPY EXAMINERS

IN THE MATTER OF THE LICENSE OF

DEAN PINCIOTTI, P.T.

TO PRACTICE PHYSICAL THERAPY
IN THE STATE OF NEW JERSEY

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: Administrative Action
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: CONSENT ORDER
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This matter was opened to the State Board of Physical Therapy Examiners (hereinafter referred to as the "Board") following the Board's review of two consumer complaints regarding Sports Physical Therapy Institute. The first was information received concerning the improper delegation of duties to Physical Therapy Aides. The second was filed by E. M, on behalf of his wife, B. H., regarding the improper billing of a patient.

On or about July 11, 2006, respondent appeared before a committee of the Board for an investigative and confirmed that he

and his partner, Jeffrey Erickson, P.T., jointly own Sports Physical Therapy Institute with locations in Princeton, New Brunswick, Flemington, Cherry Hill, and Hillsboro, New Jersey. At the Princeton location, five (5) full time physical therapists and one (1) part time physical therapist are employed. Also employed are two physical therapy assistants, four (4) full time aides, and three (3) part time aides.

During the investigative inquiry, respondent testified that the aides at the facility are instructing patients on their performance of exercises, including instructing patients based on the printed out flow sheet for the session. Aides are also instructing patients on home exercise programs. Aides also correct patients' forms during the performance of their exercises. Additionally, respondent confirmed that aides at the Princeton facility are involved in the placement of hot and cold packs on the patients.

The Board concludes that cause for disciplinary action against respondent exists as a result of the conduct detailed above. Specifically, the Board finds that respondent permitted unlicensed persons to perform an act for which a license or certificate of registration is required by the board, or aided and abetted an unlicensed person or entity in performing such act, contrary to N.J.S.A. 45:1-21(n), when he allowed unlicensed persons, specifically aides, to administer hot and cold packs, instruct patients regarding exercise programs and review patient

information to determine the correct exercises and correct patient forms functions authorized only for licensed professionals. The delegation of tasks to unlicensed person is governed specifically by N.J.A.C. 13:39A-2.4. These facts establish a basis for disciplinary action.

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and the respondent acknowledging and not contesting the findings of the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown:


IT IS, THEREFORE, ON THIS 14 DAY OF OCTOBER 2007,
ORDERED THAT:

1. The respondent, Dean Pinciotti, P.T., is hereby formally reprimanded for his conduct as described above, in violation of N.J.S.A. 45:1-21(n) and N.J.A.C. 13:39A-2.4, which prohibits the improper delegation of duties to an unlicensed aide.
2. Respondent shall cease and desist from further violations of N.J.S.A. 45:1-21(n) and N.J.A.C. 13:39A-2.4.
3. Respondent shall pay a civil penalty in the amount of \$10,000.00 for his violation of N.J.S.A. 45:1-21(e). \$5,000.00 shall be stayed conditioned on respondent's compliance with the

terms of this order and the mitigation testimony of your co-owner, Jeffrey Erickson, P.T., which acknowledged that activities engaged in by unlicensed aides no longer includes the administering of hot and cold packs, instructing patients on home exercise programs, or reviewing patient information to determine the type of exercises or modalities to administer. Such penalty shall be paid by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Physical Therapy Examiners and sent to the attention of the Executive Director, P.O. Box 45014, Newark, New Jersey 07101, immediately upon acceptance of this Order.

4. Payment of costs in the amount of \$508.50 to be paid immediately upon acceptance of this order and mailed by certified check or money order to the address listed above.

NEW JERSEY STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

By:  PC-DPT PKD 40QA00079100
Nancy Kirsch, P.T., Ph.D. 10/26/07
Chair

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

 40QA00348600
DEAN PINCIOTTI, P.T.

DATED: 10/14/2007